



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866**

September 26, 2012

By Electronic Mail

Carol Dinkins, Esq.
Vinson & Elkins
First City Tower
1001 Fannin St., Suite 2500
Houston, TX 77002

Re: Diamond Alkali, Lower Passaic River Study Area – River Mile 10.9
Unilateral Administrative Order for Removal Response Activities
USEPA Region 2 CERCLA Docket No. 02-2012-2020

Dear Ms. Dinkins:

This will follow up on our discussions on September 13, 2012, concerning the request of Occidental Chemical Corporation ("Occidental"), that the U.S. Environmental Protection Agency ("EPA") extend the date by which Occidental is required to submit financial assurance under Paragraph 56 of Unilateral Administrative Order ("UAO") CERCLA Docket No. 02-2012-2020, and concerning Occidental's participation and cooperation in the removal action at River Mile 10.9.

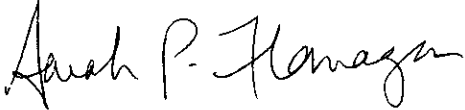
On September 13, 2012, EPA meet with representatives of Occidental and the Cooperating Parties Group ("CPG") to discuss whether the CPG would be able to process and dispose of material generated by the removal action at River Mile 10.9 ("RM 10.9 removal action"), without making use of the upland processing facility constructed by Tierra Solutions, Inc. ("Tierra"), which figured in Occidental's offer to the CPG. The CPG presented sufficient information to support its position that it would not need to use the UPF. EPA advised Tierra of this fact last week.

Since there is as yet no agreement on Occidental's participation and cooperation in the removal action at River Mile 10.9, EPA agrees to extend the date of submission of financial assurance to November 15, 2012. EPA previously extended the date from September 14, 2012 to October 15, 2012, by my email to you on August 22, 2012.

In addition, since there is no agreement, it will be necessary for EPA and Occidental to discuss other options for Occidental to participate and cooperate in the RM 10.9 removal actions, as required by the UAO.

We will contact you shortly to pursue this discussion. In the interim please do not hesitate to contact us if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Sarah P. Flanagan". The signature is fluid and cursive, with the first name "Sarah" being more prominent.

Sarah P. Flanagan
Assistant Regional Counsel

cc: R. Basso, ERRD
S. Vaughn, ERRD
P. Hick, ORC